

**The Commonwealth of Massachusetts
Commission Against Discrimination
436 Dwight Street, Rm. 220, Springfield, MA 01103
Phone: (413) 739-2145 Fax: (413) 784-1056**

MCAD DOCKET NUMBER: 18SEM00002
FILING DATE: 01/02/18

EEOC/HUD CHARGE NUMBER: 16C-2018-00527
VIOLATION DATE: 11/22/17

Name of Aggrieved Person or Organization:

Jonathan Fonseca
50 Clinton Ave, Apt 5L
Holyoke, MA 01040
Primary Phone: (413)507-4411 ext. _____

Named is the employer, labor organization, employment agency, or state/local government agency who discriminated against me:

Health Services Group, Inc.
Attn: Director of Human Resources
65 Cooper Street
Agawam, MA 01001

No. of Employees: 25+

Work Location: Agawam. MA

Cause of Discrimination based on:

Criminal Record (Arrest Record/Conviction Record), Race/Color (Hispanic/Puerto Rican).


The particulars are:

I, Jonathan Fonseca, the Complainant believe that I was discriminated against by Health Services Group, Inc., on the basis of criminal record (Arrest Record/Conviction Record), and race/color (Hispanic/Puerto Rican). This is in violation of M.G.L. Chapter 151B, Section 4, Paragraphs 1, 9 and Title VII.

1. I am Hispanic/Puerto Rican, and I have a criminal background related to drug charges. I am not fluent in English. Respondent became aware of my criminal history before my hire because I am currently on probation (subject to random drug testing until February 2018).
2. I was hired on April 18, 2017, as a maintenance worker, and was later promoted to an Assistant Manager (three month probationary period). I completed my probationary period. My coworker, who is also Hispanic, is fluent in English, and on information and belief, he doesn't have a criminal record.
3. I believe my Supervisor, Medina was singling me out in comparison to the rest of the employees because of my protected classes. On November 21, 2017, while working in a different building, Medina accused me of being "high on drugs." She made an announcement in front of my coworkers that I was "high," and that I needed to take a drug test. I complied, and the drug test results were negative.
4. Despite the negative test results, Medina terminated my employment on November 22, 2017. The warning that was provided to me indicated that I was tardy by 19 minutes on November 21, 2017, and that I appeared to be "under the influence of a drug name K2 that does not appear in the drug screening." I disputed that I was taking any drugs since I am subject to random drug testing for my probation (Medina already knew this). On information and belief, I was the only employee treated in this manner. I strongly believe my protected classes were a factor in the way I was treated by Respondent, and the reasons given for my termination are a pretext.

For these reasons, I believe I was subjected to unlawful discrimination based on my criminal record and race/
color.

I hereby verify, under the pains and penalties of perjury, that I have read this complaint and the allegations
contained herein are true to the best of my knowledge.



(Signature of Complainant)